

STATE OF RHODE ISLAND

**DEPARTMENT OF HEALTH
DIVISION OF CUSTOMER SERVICES
CENTER FOR PROFESSIONAL BOARDS AND LICENSING**

**IN THE MATTER OF: EUGENE M. KRAMER
LICENSEE NO.: DCP00397
COMPLAINT ID #s: C11-104, C12-234, C14-0327, C20-1422**

CONSENT ORDER

Pursuant to R. I. Gen. Laws §§ 5-30-1 *et seq.* (the "Chiropractic Physicians Practice Act") and the Rules and Regulations promulgated thereunder, 216-RICR-40-05-17, Licensure and Discipline of Chiropractic Physicians (the "Chiropractic Physicians Regulations"), the Rhode Island Department of Health ("RIDOH") has investigated Complaint Nos. C11-104, C12-234, C14-0327, and C20-1422 (the "Complaints") charging Eugene M. Kramer, License Number DCP00397 (the "License") with violations of the Chiropractic Physicians Practice Act and the Chiropractic Physicians Regulations.

After review and consideration by RIDOH with respect to the allegations of unprofessional conduct of Respondent, the following are and shall constitute

FINDINGS OF FACT AND CONCLUSIONS OF LAW

That Eugene M. Kramer is a Chiropractic Physician licensed to practice in the State of Rhode Island under the License ("Respondent").

That at all times relevant hereto, Respondent was employed at New England Spine and Disc Center, LLC, in Providence, Rhode Island (the "Business").

That on or about September 1, 2010, Respondent entered into a Voluntary Surrender Agreement with the Massachusetts Board of Registration of Chiropractors related to his Massachusetts Chiropractic License No. 2201.

That RIDOH opened Complaint No. C11-104 in connection with the Massachusetts action described in Paragraph 3 above.

That the conduct described in Paragraph 3 above that resulted in Complaint No. C11-104, if carried out in Rhode Island and proven by RIDOH by a preponderance of the evidence, would have constituted "gross unprofessional conduct" pursuant to § 13(b) of the Chiropractic Physicians Practice Act.

That on or about September 12, 2010, while renewing his Rhode Island Chiropractic license, Respondent answered "No" to the following renewal question, "Has any Health professional license, certification, registration, or permit you hold or have held been disciplined or are formal charges pending?"

That the conduct described in Paragraph 6 above, if proven by RIDOH by a preponderance of the evidence, would constitute "gross unprofessional conduct" pursuant to § 13(b) of the Chiropractic Physicians Practice Act.

That in or around March 2011, Respondent was alleged to have submitted inaccurate treatment records to the Progressive Insurance Company for a patient who claimed to have been involved in a motor vehicle accident on or about February 18, 2011.

That RIDOH opened Complaint No. C12-234 in connection with the submission of inaccurate treatment records described in Paragraph 8 above.

That the conduct described in Paragraph 8 above that resulted in Complaint No. C12-234, if proven by RIDOH by a preponderance of the evidence, would constitute "gross unprofessional conduct" pursuant to § 13(b)(2) of the Chiropractic Physicians Practice Act.

That on or about March 29, 2014, two individuals arrived at the home of a private citizen ("Citizen A") and advertised for the chiropractic physician services of the Respondent. Citizen A had been in an automobile accident on or about March 26, 2014 but had never contacted the Business for assistance.

That RIDOH opened Complaint No. C14-0327 in connection with the advertising and solicitation strategies described in Paragraph 11 above.

That the conduct described in Paragraph 11 above that resulted in Complaint No. C14-0327, if proven by RIDOH by a preponderance of the evidence, would constitute "gross unprofessional conduct" pursuant to § 17.6.6(A)(2) of the Chiropractic Physicians Regulations.

That on June 26, 2020, Respondent pled guilty in federal district court to one count of health care fraud (18 U.S.C. § 1347) related to a discrepancy between the record of treatment provided to and documented by an undercover FBI agent and the record of this treatment submitted by Respondent. The actions that resulted in Respondent's guilty plea for this count related to Respondent's chiropractic practice.

That, also on June 26, 2020, Respondent pled guilty in federal district court to one count of filing a false tax return (26 U.S.C. § 7206) in 2017 for the 2016 tax year. The charge was based on Respondent failing to report the existence of cashed checks to his Business accountant and failing to report the income on his personal tax return. The actions that resulted in Respondent's guilty plea for this count related to Respondent's chiropractic practice.

That RIDOH opened Complaint No. C20-1422 in connection with the conduct that gave rise to Respondent's guilty pleas, as described in Paragraphs 14 and 15 above.

That the conduct referenced in Paragraphs 14 and 15 above resulted in an investigation of Complaint No. C20-1422.

That the investigation of Complaint No. C20-1422 referenced in Paragraph 17 above resulted in Respondent voluntarily surrendering the License to RIDOH as of November 5, 2020.¹

That Respondent admits to the jurisdiction of RIDOH and hereby agrees to remain under the jurisdiction of RIDOH.

That Respondent has read this Consent Order and understands this Consent Order shall become binding once signed by Respondent and RIDOH.

That Respondent understands the purpose of this Consent Order is solely to resolve the Complaints.

That Respondent hereby acknowledges and waives:

The right to have an administrative hearing on any of these matters;

- a) The right to represent himself or be represented by an attorney of his own choosing at said hearings;

The right to present testimony, evidence and witnesses on his behalf;

The right to cross-examine witnesses presented by RIDOH;

The right to further procedural steps except for those specifically contained herein;

The right to take an appeal from the terms of this Consent Order with respect to all the Complaints; and

Any objection that this Consent Order shall (i) be reported to the National Practitioner Data Bank, (ii) become a permanent part of Respondent's record maintained by RIDOH and a part of the public record of this proceeding, or (iii) be posted on RIDOH's public website.

ACCORDINGLY, AND BASED ON THE FOREGOING

RIDOH and Respondent hereby agree to the following disposition of these Complaints:

Respondent is hereby issued the sanctions of a Suspension and a Probation: (a) the Suspension shall be deemed to have commenced on the day that Respondent surrendered the License to RIDOH, November 5, 2020 as set forth in Paragraph 18 above (the "Suspension Effective Date") and end 24 months subsequent to the Suspension Effective Date, on November 5, 2022; and (b) the Probation shall commence the day after the Suspension ends (the "Probation Effective Date").

Commencing with the Probation Effective Date:

- a) The License shall be subject to a period of Probation as set forth in paragraph (f) below and shall reflect the status "Active Probation."
- b) Respondent shall take and pass the Ethics and Boundaries Assessment Services ("EBAS") Essay Exam, which can be accessed at EBAS.org, for the areas of Fraud and Unprofessional Conduct. Respondent must assure that the results of the exam be sent directly to RIDOH by EBAS within 90 days of the Probation Effective Date via DOH.PRCompliance@health.ri.gov.
- c) Respondent shall retain a person who is either (i) a Rhode Island-licensed health professional and a Rhode Island-licensed financial professional who routinely conducts audits or (ii) a

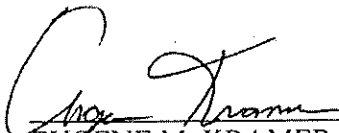
¹ See Consent Order for Voluntary Surrender by and between Respondent and RIDOH, dated as of November 5, 2020. <https://health.ri.gov/discipline/DCPEugeneKramer.pdf>

Rhode Island-licensed financial professional who routinely conducts audits and who has accumulated at least five years' experience specifically reviewing and/or auditing the financial practices of health care professionals ("Monitor") to conduct a financial and compliance audit of Respondent's professional books and records for two years following the Probation Effective Date: that is, Monitor shall review such books and records for (I) financial deficiencies, discrepancies, weaknesses, and other irregularities, and (II) compliance with applicable laws, rules, regulations, and standards, respectively. Monitor shall be afforded complete, unfettered, and unrestricted access to all documentation and materials, during normal business operating hours, that relate to Respondent's work for the duration of the retention. Monitor must spend at least ten hours per month reviewing Respondent's documentation and materials in the first three months of this retention, and at least five hours per month reviewing Respondent's documentation and materials thereafter. Respondent shall assure that Monitor provides quarterly review summaries in a form acceptable to RIDOH, by the 28th of the month following each quarterly reporting period, directly to RIDOH via DOH.PRCOMPLIANCE@health.ri.gov. Should Respondent change the nature of his chiropractic practice (including if he ceases to practice for himself), after providing RIDOH with notice as specified in paragraph (e) below, he may request revisions to the terms in this paragraph (c) that reflect (1) his continuation to practice chiropractic medicine, which should not abate his Probation period as set forth in paragraph (f) below, even though (2) he can only use the services of a Monitor when he controls (and is responsible for maintaining) the books and records of the entity that compensates him. Further, RIDOH agrees that it shall not deny such a request unreasonably.

- d) The period of Probation shall abate for the duration of the period from when Respondent ceases to work as a chiropractic physician until Respondent resumes his work as a chiropractic physician. Respondent shall promptly notify RIDOH of any such period of abatement via DOH.PRCompliance@health.ri.gov.
- e) If Respondent changes the nature of his chiropractic practice (including if Respondent begins or ceases to practice for himself), Respondent must promptly provide RIDOH with the name and address of any new employer(s) and the reason for said change, or any pertinent information regarding any venue in which he intends to practice chiropractic medicine, via DOH.PRCompliance@health.ri.gov.
- f) Upon the later of (i) Respondent having satisfied the requirements of this Consent Order and (ii) three years having elapsed since the Probation Effective Date, Respondent may apply to RIDOH to be reinstated to practice as a chiropractic physician with an unrestricted license, in accordance with § 17.6.3(C) of the Chiropractic Physicians Regulations.


25. Respondent acknowledges that:

this Consent Order is an agreement between Respondent and RIDOH; and any violation of the Chiropractic Physicians Practice Act or the Chiropractic Physicians Regulations, or any failure to adhere to the terms of this Consent Order, shall constitute "gross unprofessional conduct" pursuant to § 13(b) of the Chiropractic Physicians Practice Act and subject Respondent to further disciplinary action at the discretion of RIDOH, including but not limited to Revocation.


EUGENE M. KRAMER
LICENSEE NO.: DCP00397

Date Signed:

10/27/21


ELLEN R. BALASCO, ESQ., CHIEF
CENTER FOR PROFESSIONAL BOARDS AND LICENSING

Date Signed:

11/5/21